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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/380,250 | 08/30/1999 | CHRISTIAN BAILLIF | 6206 | 2378 |

7590 07/08/2003

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EXAMINER

VO, LILIAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2127

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/380,250

Applicant(s)

BAILLIF ET AL.

Examiner

Lilian Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days; a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 - 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 - 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) /
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 13 – 30 are presented for examination. Claims 1 – 12 have been cancelled by the applicants' preliminary amendment, in Office Paper No. 3.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 12/30/98. It is noted, however, that applicant has not filed a certified copy of the 97/16699 application as required by 35 U.S.C. 119(b).

Drawings

3. Figures 7 and 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the menus" and "the activation" in line 1 and 2 page 6, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13 – 17, 19, 20 and 25 - 27 are rejected under 35 U.S.C. 102(b) as being anticipated by applicants' admitted prior art.

Regarding **claim 13**, the applicants' admitted prior art discloses a process for assisting in the administration of a distributed application of a transaction processing manager, based on a binary configuration file (TUXCONFIG), characterized in that said process comprises:

retrieving information related to said distributed application in a configuration file of a master machine (Mm) (specification page 1, lines 19 – 30), and

checking the consistency of said application running on a given machine (specification page 2, lines 1 – 9).

Regarding **claim 14**, the applicants' admitted prior art discloses a step for managing at least one listener module (3) of any machine of the application from another machine (specification page 2, lines 15 – 20).

Regarding **claim 15**, the applicants' admitted prior art discloses the extracting directly from the active configuration file of the master machine information related to the distributed application (specification page 1, lines 19 – 30 and fig. 8).

Regarding **claim 16**, the applicants' admitted prior art further disclose the step for checking the consistency of said application consists of comparing the information obtained from the configuration file of the master machine and the information obtained from said current application running on a given machine (specification page 2, lines 1 – 9).

Regarding **claim 17**, the applicants' admitted prior art discloses the administration of listener modules consists of starting and stopping at least one listener module, displaying information related to at least one listener module, changing the log of at least one listener module, checking the script of at least one listener module and/or updating the script of at least one listener module (specification page 3, line 5 – page 4, line 9).

Regarding **claim 19**, the applicants' admitted prior art further disclose a step for simultaneously activating several listener modules (specification page 3, lines 18 – 29).

Regarding **claim 20**, the applicants' admitted prior art further disclose a step for decompiling the active configuration file of the master machine (specification page 1, line 19 – page 2, line 9).

Regarding **claim 25**, the applicants' admitted prior art discloses the process according to claim 14, in which information related to at least one listener module is displayed and comprises at least the name of the application, the logical name of the machine on which the application is run, the identification of the user, the address used by the listener module, the access path to the network, and the access path to the log file of the listener module (specification page 3, lines 3, lines 9 – 17, page 8, lines 3 – 23, page 10, lines 13 – 15, page 11, lines 15 – 17, page 14, lines 7 – 9, page 21, line 30 – page 22, line 5).

Claims 26 and 27 are rejected on the same ground as stated in claim 25 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18, 21 - 24 and 28 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art in view of Boukobza et al. (US 6,122,664, hereafter referred to Boukobza).

Regarding **claim 18**, although the applicants' admitted prior art discloses a process according to claim 14, except a step for starting and stopping a listener module running on a first machine is being carried out by an administrator using a second machine distinct from first machine, but belonging to the same network as the first machine. Nevertheless, Boukobza shows the step of starting and stopping of monitoring process on the machines that are controlled by the management node (col. 5, lines 9 – 17). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to implement the applicants' admitted prior art with the start and stop monitoring process on the machines by an administrator using another machine so that software distributing can be administered more efficiently.

Regarding **claim 21**, although the applicants' admitted prior art discloses a process according to claim 14 which include a graphical interface comprising at least one icon and at least one menu (fig. 8), except a dialog box for implementing the start and stop of a listener module and the retrieval of information and checking the consistency of the application running

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on a given machine. Nevertheless, Boukobza shows a management system with a GUI that has main window, one icon for each object to be monitored, a window with the name of the object displayed which contains all the objects information (col. 4, line 34 – col. 5, line 17, col. 12, lines 12 - 17). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to implement the applicants' admitted prior art with Boukobza's feature so that the management between the distributed nodes function more efficiently.

Regarding **claim 22**, although the applicants' admitted prior art discloses the activation of a menu results in a display of a list of values of the current configuration, selectable by the user (specification page 3, lines 5 – 29), except the menu of the graphical interface are structured in tree form. Nevertheless, Boukobza shows of graphical interface that use tree structure (col. 35, lines 2 – 23). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to implement the applicants' admitted prior art with Boukobza's feature so that the management communication between the distributed nodes function more efficiently.

Regarding **claim 23**, although the applicants' admitted prior art discloses the process according to claim 16 and further includes a file containing information about the application running on a given machine in order to be able use it during the next startup of the listener modules (specification page 3, line 18 – page 4, line 9), except the feature of automatically generating the information file of the application when the file does not exist in a given machine. Nevertheless, Boukobza shows of automatically generating a log file if there is not one already (col. 26, lines 6 – 25, col. 5, lines 2 - 9).). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to implement the applicants'

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admitted prior art with Boukobza's feature so that the history of the application running can be logged in the file to better assist with the administration process.

Regarding **claim 24**, the applicants' admitted prior art discloses the process according to claim 18, in which information related to at least one listener module is displayed and comprises at least the name of the application, the logical name of the machine on which the application is run, the identification of the user, the address used by the listener module, the access path to the network, and the access path to the log file of the listener module (specification page 3, lines 3, lines 9 – 17, page 8, lines 3 – 23, page 10, lines 13 – 15, page 11, lines 15 – 17, page 14, lines 7 – 9, page 21, line 30 – page 22, line 5).

Claims 28 – 30 are rejected on the same ground as stated in claim 24 above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is (703) 305-7864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lilian Vo
Examiner
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MAJID A. BANANKHAH
PRIMARY EXAMINER